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PTO/SB/22 (12-04)

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 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	
FY 2005		MSDI-196/PC934.00	
(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818))			
Application Number 10/634,206		Filed August 5, 2003	
For SURGICAL KIT AND METHOD FOR PROVIDING STERILIZED EQUIPMENT FOR USE IN SPINAL SURGERY			
An Unit 3738		Examiner Brian E. Pellegrino	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ <u>120.00</u>
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 12-2424. I have enclosed a duplicate copy of this sheet.

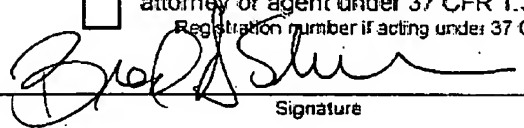
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 45,431

☐ attorney or agent under 37 CFR 1.34.
 Registration number if acting under 37 CFR 1.34 _____


 Signature

February 19, 2008
 Date

Brad A. Schepers
 Typed or printed name

(317) 636-4341
 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEB 19 2008

KRIEG · DEVAULT LLP
ATTORNEYS AT LAW**FAX COVER PAGE**

DATE: February 19, 2008

PAGES INCLUDING THIS PAGE: 5

TO: Examiner Brian E. Pellegrino
COMPANY: United States Patent & Trademark OfficeFAX NUMBER: 571-273-8300
PHONE NUMBER:

FROM: Brad A. Schepers, Reg. No. 45,431

DIRECT DIAL: (317) 238-6334

FAX NUMBER: (317) 636-1507

RE: Request for One Month Extension for U.S. Application No. 10/634,206 to Powers et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

February 19, 2008
(Date of Transmission)Brad A. Schepers
Name of Registered Representative
SignatureHard copy will be sent via: ☐ Regular Mail ☐ Overnight Courier ☒ Fax Communication Only

Name of Sender: Cheryl Kalugyer

Client Matter No.: 334 MSDI-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

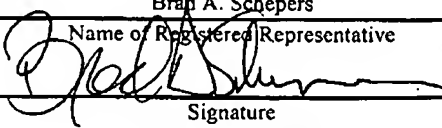
In re patent application of:)	Before the Examiner
Powers et al.)	Brian E. Pellegrino
)	
Serial No. 10/634,206)	Group Art Unit 3738
)	
Filed August 5, 2003)	Ref. No. MSDI-196/ PC934.00
)	
SURGICAL KIT AND METHOD FOR)	February 19, 2008
PROVIDING STERILIZED EQUIPMENT)	
FOR USE IN SPINAL SURGERY)	

Via Facsimile Transmission: 571-273-8300REQUEST FOR ONE (1) MONTH EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A final Office Action was mailed to the Applicant on October 9, 2007. The two-month early response period expired on December 9, 2007, which fell on a Sunday, thereby extending the early response period to December 10, 2007 (the first business day after December 9, 2007). The Applicant timely filed a response to the final Office Action on December 10, 2007 within the two-month early response period. An Advisory Action was mailed to the Applicant on January 18, 2008. A divisional application claiming priority to the subject application was filed with the U.S. Patent and Trademark Office on February 19, 2008. Since February 18, 2008 fell on federal holiday, the filing of the divisional application on February 19, 2008 requires, at most, a one (1) month extension of time. Accordingly, remitted herewith is a fee in the amount of \$120 for a one (1) month extension of time. Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:	
February 19, 2008	
Date of Transmission	
Brad A. Schepers	
Name of Registered Representative	
	
Signature	
February 19, 2008	
Date of Signature	

Respectfully submitted,

By: 

Brad A. Schepers
Reg. No. 45,431
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, Indiana 46204-2079
(317) 238-6334 voice

FEB 19 2008

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 120.00

Complete if Known

Application Number	10/634,206
Filing Date	August 5, 2003
First Named Inventor	Russell Powers
Examiner Name	Brian E. Pellegrino
Art Unit	3738
Attorney Docket No.	MSDI-196/PC934.00

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 12-2424 Deposit Account Name: Krieg DeVault Lundy

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

Each independent claim over 3 (including Reissues)

50

25

Multiple dependent claims

200

100

360

180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): One (1) Month Extension

120.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 45,431	Telephone 317-636-4341
Name (Print/Type)	Brad A. Schepers	Date February 19, 2008	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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